

The Daily Astorian.

VOL. XXXIV, NO. 89.

ASTORIA, OREGON, TUESDAY, APRIL 15, 1890.

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A FOREGONE CONCLUSION.

The U. S. Supreme Court Upholds Its Dignity.

THE NEAGLE CASE AFFIRMED.

Special to THE ASTORIAN.

WASHINGTON, April 14.—The celebrated Neagle habeas corpus case from California was decided by the United States supreme court to-day, the judgment of the circuit court being sustained. This disposes of all proceedings against Marshal Neagle for shooting Judge Terry in the Southern Pacific station at Lathrop, California. The opinion was delivered by Judge Miller—Justice Field was not present—and further says:

"It would be a great reproach to the system of the government of the United States declared to be within its sphere, sovereign and supreme, if there is to be found within the domain of its powers no means of protecting its judges in the conscientious discharge of their duties from the malice and hatred of those upon whom its judgment may operate unfavorably. If the person in the situation of Judge Field could have no other guardian of his personal safety while engaged in the conscientious discharge of his duty than the fact that if he was murdered his murderer would be subject to the laws of the state and by those laws could be punished severely, it would be very inefficient."

The plan which Terry and his wife had in mind of insulting him and assaulting him and drawing him into a desecrating physical contest in the course of which they would slay him, shows the little value of such remedies. "We do not believe that the government of the United States is thus inefficient and that its constitution and laws have left a high officer of the government so defenseless and unprotected."

The opinion then quotes from ex parte Siebold and Tennessee Davis in support of the principle of the supremacy of the government of the United States, in the exercise of all power conferred upon it by the constitution of the United States. Concerning the power of the executive to protect the federal judiciary, the opinion speaks at length.

"The legislative branch of the government can only protect judicial officers by the enactment of laws for that purpose, and the argument we are now considering assumes that such laws have been passed. If we turn to the executive department of the government we find a very different condition of affairs. The constitution, section 3, article 2, declares that the president shall take care that the laws are faithfully executed and he is provided with the means of fulfilling this obligation, by his authority to commission all officers of the United States. Cabinet ministers aid him in the performance of the great duties of his office and represent him in a thousand acts, to which it can hardly be supposed his special attention is called, and thus he is enabled to fulfill his grand duty of his great department."

After illustrating at length, the power of the president in protecting citizens of public lands of the United States, while in the discharge of the duties of his office, is threatened with personal attack, which may result in his death, and we think it clear that where this protection is to be afforded through civil power, the department of justice is the proper one to set in motion the necessary means of protection."

Justice Miller made a resume of the statement of the assault, which was widely known, and then says "without a more minute discussion of the testimony that it produces the conviction of a settled purpose on the part of Judge Terry and his wife, amounting to a conspiracy to murder Justice Field, and we are quite sure that if Neagle be merely the brother or friend of Judge Field, traveling with him and aware of all the previous relations of Justice Field's prior to Judge Terry, as he was, of his bitter animosity, his desire of purpose to kill him, he would have been justified in what he did in defense of Field's life and possibly of his own."

The court then reviews the legislation of congress upon the subject of the writ of habeas corpus, and says it includes all cases of restraint of liberty, in violation of constitution, or law, or treaty of the United States. After a long discussion on the point above mentioned and citing extensively, authority as to the right of the United States courts to take cases out of the

state courts, the opinion closes as follows:

"We have thus given to this case the most attentive consideration of all the questions of law and fact which we have thought to be properly involved in it. We have felt it to be our duty to examine into the facts with a completeness justified by the importance of the case, as well as from a sense of the duty imposed upon us by statute, which we think requires us to place ourselves as far as possible, in the place of the circuit court, and to examine testimony and arguments in it, and to dispose of the party as law and justice require. The result to which we have arrived upon this examination is that, in protection of the person and life of Mr. Justice Field, while in the discharge of his official duties, Neagle was authorized to resist the attack of Terry upon that eminent judicial officer; that he was justified in the belief that without instant action on his part the assault of Terry upon the judge would have ended in the death of the latter; that such being his well-founded belief, he was justified in taking the life of Terry as the only means of preventing the death of the man who was intended to be his victim; that the taking of the life of Terry under the circumstances, was acting under the authority of the United States, and was justified in so doing and that he is not liable to an answer for murder to the courts of California, or on account of his part in the transaction. We therefore confirm the judgment of the circuit court, authorizing his discharge from the custody of the sheriff of San Joaquin county."

Justice Miller's reading lasted two hours, during which time the court room was crowded to suffocation.

The Senate Honors Randall.

Special to THE ASTORIAN.

WASHINGTON, April 14.—The senate has adjourned out of respect to the memory of Samuel J. Randall.

Randall Honored in the House.

Special to THE ASTORIAN.

WASHINGTON, April 14.—Immediately after the reading of the journal in the house this morning, O'Neill of Pennsylvania, announced the death of ex-speaker Randall. Thereupon the speaker appointed a committee to attend the funeral and the house adjourned.

An air of sadness prevailed in the house chamber, when the speaker's grave called that body to order. Draped in black and ornamented with a handsome floral design, the seat so long occupied by Mr. Randall recalled to members the fact that their old colleague had passed away forever. A crayon portrait of the ex-speaker which hung in the lobby, was also tastefully decorated. The chaplain made a prayer, calling the consolation of God on the widowed and orphaned by the great statesman's death. Mr. O'Neill of Pennsylvania said "I rise to announce the death of my colleague, Hon. Samuel J. Randall, who died yesterday morning in this city, in his own home, at five o'clock. We have lost a distinguished man. To-day the city of Philadelphia grieves over his death, as it seldom has been called to grieve over the death of any public man, and the whole state of Pennsylvania mourns the decease of a great man, a statesman, a patriot in life, with strong personal attachments. I noticed yesterday in this city, that every flag on every public building was at half mast. I saw from the papers, the same was true of Philadelphia." Mr. O'Neill then offered the following resolution:

Resolved, That the house do now adjourn.

Resolved, That a committee of nine members of the house, with such members as the house and senate may be joined, be appointed to attend the funeral of the deceased.

Resolved, That the house do now adjourn.

Another Pension Granted.

Special to THE ASTORIAN.

WASHINGTON, April 14.—Oregon, original, Joseph A. Moore, Greenville.

Postal Changes.

Special to THE ASTORIAN.

WASHINGTON, April 14.—The following changes have been made in the postmasters of Oregon: H. M. Cakman, at Riley, Hartley County, vice J. F. Cakman, resigned.

Billiard Match Arranged.

Special to THE ASTORIAN.

CHICAGO, April 14.—Schaffer and Brunsvick, Balke & Co. have also decided to present to the winner a championship emblem, subject to challenge every sixty days until the winner can hold the same for two years, when it becomes his private property.

Speculation Broke Him.

Special to THE ASTORIAN.

DETROIT, April 14.—The rumored failure of Charles V. Bryan, president of the board of trade, is confirmed to-day. He was caught short of four million bushels of May wheat during the recent rise, and is very heavily involved.

CORBETT AND McCAFFREY.

The Californian Wins in a Hotly Contested Fight.

A DANISH MURDERER CAUGHT.

Special to THE ASTORIAN.

NEW YORK, April 14.—The New York yacht club has sent a letter to the Earl of Dunraven in which it names the conditions under which an international yacht race can be made this season. The club is willing to waive all formalities in order to insure a race.

Aldermanic Doodle.

Special to THE ASTORIAN.

MEXICO, April 14.—As the result of the grand jury's investigation of aldermanic doodle charges, bench warrants were issued this morning for the arrest of aldermen John T. McGowan, Fred Brunsvick and Charles P. Haney.

Trouble May Arise at Chicago.

Special to THE ASTORIAN.

CHICAGO, April 14.—Very few journeymen carpenters presented themselves for work this morning, and, seeing how matters stood, refused to go to work. There is no trouble so far, but it is feared if the master carpenters put out on non-union men, as they say they will, there will be bloodshed. The master carpenters have asked for police protection.

Starth Factory Burned.

Special to THE ASTORIAN.

DES MOINES, Ia., April 14.—The Gilbert starch works were destroyed by fire to-day. One man and two girls employed in the factory perished. The loss is \$125,000.

DEY MORRIS, April 14.—Later details show that no lives were lost, but there were many narrow escapes. The building and contents were insured for \$200,000.

The Wheat and Pork Market.

Special to THE ASTORIAN.

CHICAGO, April 14.—There was very little excitement on change to-day. May wheat was selling at a cent and a half higher than on Saturday. Hutehinson was not conspicuous on the market. In view of the fact that he declared himself to be a seller of May and June at the prevailing prices, over July. Pork showed little of Saturday's excitement. Armour offering pork it was underbid and he was ready to sell heavily if prices took the course they did Saturday. This reassured the shorts and there is less of a wild rush to buy.

MURDER WILL OUT.

Killed in Copenhagen and Sent to New York.

Special to THE ASTORIAN.

NEW YORK, April 14.—Cablegrams have narrated how a Copenhagen merchant strangled to death a money collector of that city and shipped the body to New York in a cask of lime. On February 6th a mysterious cask, consigned to Beresford Bros., Racine, Wisconsin, arrived on the steamship *Thingalla*. Wells, Fargo & Co., in whose care the cask was addressed, promised to ascertain for whom the time was intended, although they had no patron in Racine by the name of Beresford, and had received no request to forward the cask there. Meanwhile the cask remained in the appraised store.

After the cablegram detailing the facts of the Copenhagen murder was published, the cask was broken open. From the top of the cask protruded the right hand of the murdered man with a gold ring on one finger. The arm had been forced down by the top of the cask and had sprung up when the weight was removed. The cask was nearly filled with dry plaster piled around the body, so that only the head and one arm were visible. The face was that of a man fifty years of age, wore brown beard, streaked with grey. The body was fully dressed, even the hat was found in the plaster. The clothes were of good quality, but there was nothing in the pockets to tell who he was. The face was distorted as if he had been nailed in the cask in a senseless, and striven to get out before overcome by suffocation.

The body was left in the cask to await developments. Advice from Copenhagen state the murderer is one of the best of the first press that succeeded in strengthening his business. The murderer was arrested while about to embark on a steamer for South Africa.

Gen. Alger Coming West.

Special to THE ASTORIAN.

KANSAS CITY, April 14.—Gen. Russell Alger and party, on their way to the Pacific coast, were accorded a grand ovation by the Grand Army men at Music hall to-night. Maj. Warner, ex-commander-in-chief, delivered a stirring address of welcome. Gen. Alger responded with the highest eulogy of the heroes of the war. The general said: "If the whole treasury of the United States were turned over to the old soldiers, it would not pay them for their risk. Mrs. Logan was called to the front."

Destructive Fire in Omaha.

Special to THE ASTORIAN.

OMAHA, April 14.—A fire in the Hill building destroyed the stock of clothing of Brown, King & Co. this morning. The loss is \$70,000, insurance \$12,000. The dry goods stock of N. B. Falconer and millinery of Mrs. E. A. Benson were injured. The loss is \$25,000, no insurance.

The Police Prevent a Fight.

Special to THE ASTORIAN.

BOSTON, April 14.—Heavy weights Goffrey and Cardiff were to fight with gloves to-night but the police prevented the meeting.

CORBETT VICTORIOUS.

McCaffrey Was No Match for the Californian.

Special to THE ASTORIAN.

NEW YORK, April 14.—Dominick McCaffrey made the mistake of his pugilistic career to-night. Fat, heavy and sluggish, and without an hour's training, he undertook to stand up before Jim Corbett, the Californian, for four rounds. The battle lasted four rounds. McCaffrey was practically out of it. He could not have lasted another round. As for Corbett, he proved that he is a big, strong young man with clever hands, a man who may be rated as a first class boxer, and able to stand an even show with men of McCaffrey's class.

The benefit tendered Corbett was a success, for the Fifth Avenue Casino, at Brooklyn, was crowded with men known in sporting circles, and with men about town fond of exhibitions of this character. Steve O'Donnell, the referee, was time keeper, but was forced to give the watch to Mike Donovan, who was also Corbett's second. At the call of time, Corbett arose smiling, and shook hands with McCaffrey. The two men squared and played for an opening. McCaffrey found it, led with his left, landing lightly on Corbett's chin. He repeated this two or three times, getting some light blows over Corbett's low guard. Corbett lost his smile when McCaffrey landed hard on his face and body. There were two or three clinches in this round and hot fighting. The Californian was suspicious of McCaffrey, for he failed to obey the call, "Break and go to center," and kept trying to push McCaffrey back just far enough to hit. The call of time found McCaffrey blowing and Corbett smiling.

In the second round, McCaffrey again landed lightly, and Corbett took his turn and pounded at McCaffrey's stomach and face, getting in some telling blows. McCaffrey tried hard several times to reach Corbett, but fell short, giving the Californian a chance to counter heavily. One blow flush on the nose drew blood from the New Yorker. He was fought almost through the ropes. This round was also marked by clinching, in which Corbett pushed McCaffrey all over the ring, and ended with the odds a long way in favor of the man from the Pacific slope.

In the third round, McCaffrey was very weak, and saved himself several times by clinching, but the Californian could do that also. He punished his adversary very hard on the body and on the side of the head. McCaffrey was weak and ineffective. Blows cleverly, and a couple of times got in heavy blows, Corbett in almost each instance countering. At the end of the round it was seen that McCaffrey was almost out of the fight.

When the fourth round opened, it was a foregone conclusion that Corbett would win. McCaffrey was weak and blood flowed from his nose. Terrible fighting had told on him in his condition. This round was also marked by clinching, in which Corbett went for him from the start and clinches were in order. Whenever they broke away both men fought, landing hard almost every time. The Californian's blows told, while McCaffrey's were weak and ineffective. When they had been fighting about two minutes McCaffrey swung his right, missed, and was given an awful blow in the stomach which knocked him over the ropes, where he hung with his hands down. Corbett did not hit him again. McCaffrey said something about going to the center of the ring. Corbett did not and time was called while the crowd shouted for Corbett. He had won and his friends were wild with delight.

In the matter of points leading and landing, McCaffrey had a shade the best of it, but Corbett was clearly the better man in power of delivery and judgment.

Prize Fight in Brooklyn.

Special to THE ASTORIAN.

NEW YORK, April 14.—Dominick McCaffrey said to a reporter that there is not the slightest ill feeling between him and Corbett, whom he is to meet in a four-round go at Brooklyn to-night. "Dom" says Corbett is thirty pounds heavier than him, and four and a half inches taller, notwithstanding which he is prepared to do his best in spite of the fact that he has had but one week's training.

Well Known to Printers.

Special to THE ASTORIAN.

BROOKLYN, N. Y., April 14.—Andrew Campbell died to-day, of heart failure, aged 68. He built the first rotary printing press ever successfully worked. He was a printer of several years' standing and was well known to printers.

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FIRE AT ELLENSBURG.

The Democratic Ticket Victorious in Butte, Montana.

STANFORD NOT TO BE REVIEWED.

Special to THE ASTORIAN.

SAN FRANCISCO, April 14.—In reference to the published statement that senator Stanford would request an investigation regarding his management of the Southern Pacific railroad company's affairs during his presidency on account of an implication alleged to be contained in C. P. Huntington's recent address to the directors of the company, a high official of the Southern Pacific company said to THE ASTORIAN: "There is a deficiency of 45,000 now, which sum will certainly be guaranteed within a day or two."

May Yet Raise the Amount.

Special to THE ASTORIAN.

PORTLAND, April 14.—The committee soliciting subscriptions for the Hunt railway project, have been very successful. There is a deficiency of 45,000 now, which sum will certainly be guaranteed within a day or two.

The Stoneworkers Win.

Special to THE ASTORIAN.

PENRYN, Cal., April 14.—The quarrymen's strike at Penryn is at an end. Nine hours for a day's work, without change of wages, has been granted by the employers.

FAVORS THE FEDERATION.

Emperor William Wishes the Trades Unions to Parade.

A NEW FRENCH TORPEDO BOAT.

Special to THE ASTORIAN.

PARIS, April 14.—Further trials of the new electric sub-marine torpedo boat *Goubet*, named after the inventor, have been held at Cherbourg. The boat was submerged three-quarters of an hour. She performed a number of maneuvers which proves that she can be handled with perfect ease and safety under water.

Portuguese Politics.

Special to THE ASTORIAN.

LISBON, April 14.—Elections for fifty elective members of the house of peers have been held and resulted in the return of conservative and progressivist candidates, not a Republican was elected.

Wreck of a French Vessel.

Special to THE ASTORIAN.

ST. PETERSBURG, N. F., April 14.—The French brigantine *Joseph*, captain Nicol, from Cadix, with salt, went ashore Saturday night on Doy island in a fog. The crew of eight were rescued in a basket swung in on a rope. The captain was the last to leave the ship and was lost by the basket upsetting.

London Dockers on a Strike.

LONDON, April 14.—Five thousand dockers struck at Birkenhead, in consequence of the refusal of the masters to accept the union hours' schedule.

Not Recognized by the Emperor.

Special to THE ASTORIAN.

BERLIN, April 14.—Count Herbert Bismarck's resignation is said to have been provoked by the emperor's resolution not to recognize the count's private marriage with the divorced princess Caroth, aunt of the Prince Hatzfeldt, who married Clara Huntington.

An Immense War Ship.

Special to THE ASTORIAN.

OTTAWA, April 14.—H. M. ship of war *Syrinx*, a turret ship, is on her way to British Columbia. She will be the largest man-of-war on the Pacific coast.

London, April 14.—The Grand Council of Federation of Trades has decided on a parade of workmen on May 1. Preparations for a similar parade are going on throughout Germany. Emperor William has forbidden the police to interfere. He wishes the workmen to have the greatest freedom, consistent with the preservation of good order. There is a determined opposition to the proposed display in Austria, France and Italy, but the movement for simultaneous demonstrations grows stronger notwithstanding.

A Roumanian in Trouble.

Special to THE ASTORIAN.

BUCHAREST, April 14.—A despatch from Jassy Telegram states that the grand Duke Constantine Constantino-vich, cousin of the czar, has been arrested at St. Petersburg, for connection with the revolutionary propaganda.

Death of a Parliament Member.

Special to THE ASTORIAN.

LONDON, April 14.—Matthew Harris, the Parnellite member of parliament from east Galway is dead.

Election in Peru.

Special to THE ASTORIAN.

LIMA, April 14.—The presidential and general elections yesterday passed off quietly. The result seems that Col. Morales, of Bermudez, is the official nominee and to give the present constitutional government a strong majority.

A MEXICAN RAILROAD.

Two Great Volcanic Peaks To Be Connected.

CITY OF MEXICO, April 14.—The government granted yesterday a concession to Joaquin D'Ossans for the construction of a railroad of not more than 4 per cent grade to join peaks Ixtaccihuatl and Popocatepetl, with an inter-oceanic railroad. Work must be commenced in one year from date, under contract, and the road must be completed within five years without a money subsidy, though the material for building may be imported free of duty. The road will be solely for tourists, there being no resources on the sides of the volcanoes.

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